



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

RESPONSE

Via UPS

Mr. Mark Jurist
Dingo LLC
10641 Piney Island Drive
Bishopville, MD 21813

RE: Request for information pursuant to Section 9005 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6991d, regarding the Underground Storage Tank systems (UST systems) located at the following facility: Sharks Cove Marina, 57 Madison Avenue, Fenwick Island, DE 19944 (5000391)

REFERENCE NUMBER: I18-018

Dear Mr. Jurist:

Subtitle I of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6991 et seq. (RCRA) and regulations promulgated pursuant thereto at 40 C.F.R. Part 280, regulate underground storage tanks (USTs) used to contain regulated substances including, but not limited to, petroleum products (e.g., gasoline and crude oil). In order to conduct a study, take any corrective action or enforce the provisions of Subtitle I, Section 9005(a) of RCRA, 42 U.S.C. 6991d(a), authorizes the U.S. Environmental Protection Agency, (EPA) among other things, to require owners and/or operators of USTs to furnish information relating to such tanks, their associated equipment, and their contents.

As a follow up to your response to EPA's Information Request Letter I18-007 and as an owner and/or operator of the UST Systems at the Facility, and owner and/or operator of the Facility itself, you are required to submit the following information within 14 calendar days:

1. In response to the questions regarding the owner ("owner" is defined at Delaware Regulations Governing Underground Storage Tank Systems (DRGUSTS) Part A Section 2) of the USTs at the Facility, you stated Dingo LLC was the owner and provided a PO Box mailing address. To the extent possible, please provide a street address for sending correspondence via United Parcel Service (UPS).

DINGO, LLC

3217 WINSTON AVENUE, NW

#203

WASHINGTON, DC 20015

2. In Information Request I18-007, EPA requested information regarding the tank release detection. In response, you provided copies of inventory control records for May through September for 2015, 2016 and 2017. DRGUST Part B 1.08 states in part:

"All new underground storage tanks must be provided with a means of monitoring

for any release at the time of installation. The monitoring system shall consist of:

- (1) Inventory control procedures and record keeping as described in Part A: §8.02 and
- (2) One or more of the following:
 - (a) Interstitial Monitoring...
 - (b) Automatic Tank Gauging...
 - (c) Observation Tubes...
 - (d) Tank Tightness Test Requirements...
 - (e) Monitoring Wells...
 - (f) Vadose Zone Vapor Detection Tubes...
 - (g) U-Tubes...

It appears that the Facility is not performing tank release detection as required by DRGUST. Further, tank release detection is required unless the UST is empty. DRGUST Part B 3.01A states "The UST system is empty when all materials have been removed using commonly employed practices so that no more than one inch or 2.5 centimeters of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system." At the end of the facility's operating season (September) there has consistently been more than one (1) inch of product in the UST; thereby continuing the tank release detection requirement.

- a. If you have any information or records to demonstrate that the Facility performed tank release detection pursuant to DRGUST from 2015 through the present (for all months), provide such information.

PROVIDED COPY OF 30 DAY ROUTINE WALK-AROUND INSPECTION FROM 2014 THROUGH 2018. NOT TANK RELEASE DETECTION

3. In Information Request I18-007, EPA requested copies of line tightness testing (LTT) and line leak detector (LLD) testing from January 2013 through the present. In response, you provided LTT/LLD testing records dated June 9, 2014 and March 8, 2018. DRGUST require LTT and LLD testing annually at DRGUST Part B 1.07. It appears that the Facility failed to perform line tightness testing and line leak detector testing from June 9, 2015 through March 8, 2018.

- a. State yes or no, has LTT testing been performed on the product piping at the Facility from June 9, 2014 through March 8, 2018?
- b. If yes, provide copies of any and all LTT testing performed at any time(s) between June 9, 2014 and March 8, 2018.
- c. State yes or no, has LLD testing been performed on the product piping at the Facility from June 9, 2014 through March 8, 2018?
- d. If yes, provide copies of any and all LLD testing performed at any time(s) between June 9, 2014 and March 8, 2018.

NO TEST RESULTS AVAILABLE...OWNER OF DINUBO, LLC, MATTHEW DAILY PASSED AWAY

4. DRGUSTS Part F requires owners and operators maintain financial responsibility on underground storage tanks. In response to the question in Information Request I18-007 regarding financial responsibility, you stated "yes" but there was no copy of an UST financial responsibility insurance policy enclosed.



- a. State yes or no, has there been a method of financial responsibility on the UST located at the facility pursuant to DRGUSTS Part F from January 2013 through the present?
- b. If yes, provide a copy of the insurance certificates and any enclosures.
- c. If no, explain.

NO TEST RESULTS AVAILABLE...OWNER OF TENGRO, LLC, MATTHEW
HAINY PASSE AWAY

All information required by this letter must be submitted to this office to the attention of Marie Owens Powell, Compliance/Enforcement Officer, RCRA Underground Storage Tank Branch, 3LC31, 1650 Arch Street, Philadelphia, PA 19103 no later than **14 calendar days** from the date of your receipt of this letter. You must also include with the information submitted the following signed and dated certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature _____

Name _____

Title _____

As used herein, the term documents means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phono records, magnetic voice, or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer disks, computer printouts, or other data compilations from which information can be obtained or translated.

With regards to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the Information for Small Businesses Information Sheet, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made determination as to whether you (or your company) are covered by the SBREFA.



Failure to provide this information in the manner requested herein and/or within the specified time may result in the commencement of an enforcement action by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. 6991e.

This collection of information requirement is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501-3520.

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information in the manner described in volume 40 of the Code of Federal Regulations (C.F.R.), Section 2.203(b). Information subject to the claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the information is submitted, EPA may make such information available to the public without further notice to you.

If you have any questions concerning this matter, please contact Marie Owens Powell at 215-814-3384.

Sincerely,

Carol Amend, Associate Director
Land and Chemical Division
Office of RCRA Programs

Enclosure(s)

cc: A. Rittberg (DNREC)
M. Powell (EPA)
P. Belgiovane (EPA)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via UPS

MAY 10 2018

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As a follow up to your response to EPA's Information Request Letter I18-007 and as an owner and/or operator of the UST Systems at the Facility, and owner and/or operator of the Facility itself, you are required to submit the following information within 14 calendar days:

1. In response to the questions regarding the owner ("owner" is defined at Delaware Regulations Governing Underground Storage Tank Systems (DRGUSTS) Part A Section 2) of the USTs at the Facility, you stated Dingo LLC was the owner and provided a PO Box mailing address. To the extent possible, please provide a street address for sending correspondence via United Parcel Service (UPS).
2. In Information Request I18-007, EPA requested information regarding the tank release detection. In response, you provided copies of inventory control records for May through September for 2015, 2016 and 2017. DRGUST Part B 1.08 states in part:

"All new underground storage tanks must be provided with a means of monitoring for any release at the time of installation. The monitoring system shall consist of:

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- (2) One or more of the following:

- (a) Interstitial Monitoring...
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It appears that the Facility is not performing tank release detection as required by DRGUST. Further, tank release detection is required unless the UST is empty. DRGUST Part B 3.01A states "The UST system is empty when all materials have been removed using commonly employed practices so that no more than one inch or 2.5 centimeters of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system." At the end of the facility's operating season (September) there has consistently been more than one (1) inch of product in the UST; thereby continuing the tank release detection requirement.

- a. If you have any information or records to demonstrate that the Facility performed tank release detection pursuant to DRGUST from 2015 through the present (for all months), provide such information.
3. In Information Request I18-007, EPA requested copies of line tightness testing (LTT) and line leak detector (LLD) testing from January 2013 through the present. In response, you provided LTT/LLD testing records dated June 9, 2014 and March 8, 2018. DRGUST require LTT and LLD testing annually at DRGUST Part B 1.07. It appears that the Facility failed to perform line tightness testing and line leak detector testing from June 9, 2015 through March 8, 2018.
- a. State yes or no, has LTT testing been performed on the product piping at the Facility from June 9, 2014 through March 8, 2018?
 - b. If yes, provide copies of any and all LTT testing performed at any time(s) between June 9, 2014 and March 8, 2018.
 - c. State yes or no, has LLD testing been performed on the product piping at the Facility from June 9, 2014 through March 8, 2018?
 - d. If yes, provide copies of any and all LLD testing performed at any time(s) between June 9, 2014 and March 8, 2018.
4. DRGUSTS Part F requires owners and operators maintain financial responsibility on underground storage tanks. In response to the question in Information Request I18-007 regarding financial responsibility, you stated "yes" but there was no copy of an UST financial responsibility insurance policy enclosed.
- a. State yes or no, has there been a method of financial responsibility on the UST located at the facility pursuant to DRGUSTS Part F from January 2013 through the present?
 - b. If yes, provide a copy of the insurance certificates and any enclosures.
 - c. If no, explain.

All information required by this letter must be submitted to this office to the attention of Marie Owens Powell, Compliance/Enforcement Officer, RCRA Underground Storage Tank




1000 Arch Street, Philadelphia, PA 19103 no later than **14 calendar days** from the date of your receipt of this letter. You must also include with the information submitted the following signed and dated certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature

Name

Title


MARK J. SMITH
OPERATOR

As used herein, the term documents means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phono records, magnetic voice, or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer disks, computer printouts, or other data compilations from which information can be obtained or translated.

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forth in 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the information is submitted, EPA may make such information available to the public without further notice to you.

If you have any questions concerning this matter, please contact Marie Owens Powell at 215-814-3384.

Sincerely,



Carol Amend, Associate Director
Land and Chemical Division
Office of RCRA Programs

Enclosure(s)

cc: A. Rittberg (DNREC)
M. Powell (EPA)
P. Belgiovane (EPA)



UNITED STATES EPA
MARIE OWENS POWELL
COMPLIANCE/ENFORCEMENT OFFICER
EPA UNDERGROUND STORAGE
TANK BRANCH 3LC31
1650 ARCA ST
PHILADELPHIA, PA 19103

RE: SHARKS COVE MARINA
REFERENCE # 118-018

1. OWNER ADDRESS:

DINGO, LLC
6217 WISCONSIN AVE NW
#205
WASHINGTON, DC 20015

2. LEAK DETECTION

PLEASE FIND ATTACHED 30 DAY WALL ABRA
INSPECTION. AS PART OF THE INSPECTION THERE
ARE ACCESS PORTS WHICH MONITOR THE INTERSTITIAL
SPACE.

3. LTT

I DO NOT HAVE COPIES OF LINE TESTING OTHER
THAN WHAT I PROVIDED. LTT WAS TAKEN CARE

(2)

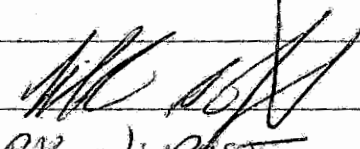
3. (continued)

By the owner (MATTHEW HALEY OF DINGO, LLC
WHO HAS PASSED AWAY I AM WORKING TO RECOVER
THE TEST RESULTS.

4. FINANCIAL RESPONSIBILITY -

DINGO, LLC.

AS STATED ABOVE. DINGO LLC IS THE OWNER
OF THE VST AND HAS FINANCIAL RESPONSIBILITY
FOR VST. I AM WORKING TO RECOVER DOCUMENT

SIGNATURE: 

NAME: MARK JURIST



Department of Natural Resources
and Environmental Control
Tank Management Section
391 Lukens Drive
New Castle, DE 19720
302-395-2500 (phone)
302-395-2555 (fax)
www.dnrec.delaware.gov/Tanks/

30 Day Routine Walk-Around Inspection Guidance

All routine inspection records must be kept for a minimum of three (3) years.

Facility Name: SHARKS COVE Pemmick Island Facility ID #: 5-000391

INTERSTITIAL

Date	Dispenser Covers	Containment Sumps	Access Ports	Spill Bucket
5/29/14	✓ MCF	✓ MCF	✓ MCF	✓ MCF
6/27/14	✓ MCF	✓ MCF	✓ MCF	✓ MCF
7/25/14	✓ MCF	✓ MCF	✓ MCF	✓ MCF
8/25/14	✓ MCF	✓ MCF	✓ MCF	✓ MCF
9/24/14	✓ MCF	✓ MCF	✓ MCF	✓ MCF
10/20/14	✓ MCF	✓ MCF	✓ MCF	✓ MCF
11/21/14	✓ MCF	✓ MCF	✓ MCF	✓ MCF
12/22/14	✓ MCF	✓ MCF	✓ MCF	✓ MCF
1/20/15	✓ MCF	✓ MCF	✓ MCF	✓ MCF
2/10/15	✓ MCF	✓ MCF	✓ MCF	✓ MCF
3/22/15	✓ MCF	✓ MCF	✓ MCF	✓ MCF
4/28/15	✓ MCF	✓ MCF	✓ MCF	✓ MCF

The Department of Natural Resources and Environmental Control, Tank Management Section (DNREC-TMS) has developed this guidance sheet to assist tank owners, operators and contractors in complying with the UST Regulations Part B, Sections 1.31. and 2.32., Part C, Sections 1.28. and 2.29., and Part D, Section 1.29., Routine Inspection for UST Systems Storing Regulated Substance.

Owners and operators must conduct an inspection once during each calendar month to monitor the condition of all dispensers, dispenser sumps, access ports and containment sumps. The routine inspection shall at a minimum include the following:

- ✓ Remove dispenser covers and check: all fittings, couplings, filters and for indication of release of regulated substance; **and**
- ✓ Remove containment sump covers and check for indication of release of regulated substance; **and**
- ✓ Inspect all access ports to ensure that covers, caps and adaptors are tightly sealed; **and**
- ✓ Remove all spill containment device covers and ensure all are empty and free of debris, water and regulated substance.

If a problem was noted during the 30-day Walk-Around Inspection, document ALL problems & measures to correct the problem on the next page of this form.

If at any time during a routine inspection evidence of a release of regulated substance is discovered owners and operators must contact the Tank Management Section at (302) 395-2500.

Problems Identified During 30-Day Walk-Around Inspection



Department of Natural Resources
and Environmental Control
Tank Management Section
391 Lukens Drive
New Castle, DE 19720
302-395-2500 (phone)
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Facility Name:

SHIRKS COVE MARINA

Facility ID #:

S-000391

INTERSTITIAL

Date	Dispenser Covers	Containment Sumps	Access Ports	Spill Bucket
5/27/15	✓	✓	✓	✓
6/26/15	✓	✓	✓	✓
7/21/15	✓	✓	✓	✓
8/25/15	✓	✓	✓	✓
9/20/15	✓	✓	✓	✓
10/21/15	✓	✓	✓	✓
11/24/15	✓	✓	✓	✓
12/20/15	✓	✓	✓	✓
1/9/16	✓	✓	✓	✓
2/9/16	✓	✓	✓	✓
3/18/16	✓	✓	✓	✓
4/19/16	✓	✓	✓	✓

The Department of Natural Resources and Environmental Control, Tank Management Section (DNREC-TMS) has developed this guidance sheet to assist tank owners, operators and contractors in complying with the UST Regulations Part B, Sections 1.31. and 2.32., Part C, Sections 1.28. and 2.29., and Part D, Section 1.29., Routine Inspection for UST Systems Storing Regulated Substance.

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Remove dispenser covers and check: all fittings, couplings, filters and for indication of release of regulated substance; and

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Inspect all access ports to ensure that covers, caps and adaptors are tightly sealed; and

Remove all spill containment device covers and ensure all are empty and free of debris, water and regulated substance.

If a problem was noted during the 30-day Walk-Around Inspection, document ALL problems & measures to correct the problem on the next page of this form.

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Facility Name: SHARKS COVE MARINA

Facility ID #: 5-000391

Date	Dispenser Covers	Containment Sumps	Access Ports	Spill Bucket
5/19/16	✓	✓	✓	✓
6/18/16	✓	✓	✓	✓
7/15/16	✓	✓	✓	✓
8/17/16	✓	✓	✓	✓
9/16/16	✓	✓	✓	✓
10/17/16	✓	✓	✓	✓
11/16/16	✓	✓	✓	✓
12/15/16	✓	✓	✓	✓
1/16/17	✓	✓	✓	✓
2/16/17	✓	✓	✓	✓
3/15/17	✓	✓	✓	✓
4/15/17	✓	✓	✓	✓

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8/20/17	✓	✓	✓	✓ M.J.
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10/20/17	✓	✓	✓	✓
11/15/17	✓	✓	✓	✓
12/18/17	✓	✓	✓	✓
1/6/18	✓	✓	✓	✓
2/7/18	✓	✓	✓	✓
3/9/18	✓	✓	✓	✓
4/10/18	✓	✓	✓	✓ M.J.

The Department of Natural Resources and Environmental Control, Tank Management Section (DNREC-TMS) has developed this guidance sheet to assist tank owners, operators and contractors in complying with the UST Regulations Part B, Sections 1.31. and 2.32., Part C, Sections 1.28. and 2.29., and Part D, Section 1.29., Routine Inspection for UST Systems Storing Regulated Substance.

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Problems Identified During 30-Day Walk-Around Inspection

FROM: (302) 436-2715
Shipping Dept.
Bayville Postal Services
37232 Lighthouse Road

Selbyville DE 19975
US

SHIP DATE: 25MAY18
ACTWGT: 0.11 LB
CAD: 110490619/WSX13200
DIMMED: 9 X 12 X 1 IN

BILL SENDER

TO us epa marie owenspowell
comp enforcenent officer
1650 Arch St
rcra undgrd st br 3lc31
Phila PA 19103

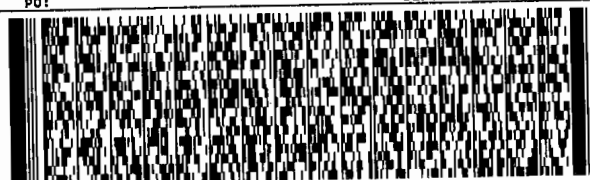
(US)

(302) 436-2715

REF:

INVT:
PO:

DEPT:



FedEx
Ground

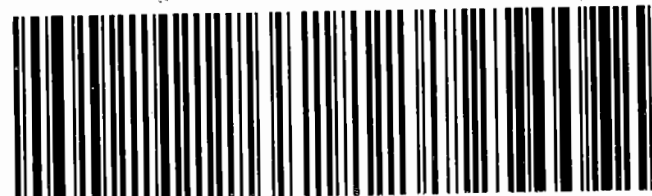


JT811180126010V

TRK# 7811 3044 9662

19103

9622 0019 0 (000 000 0000) 0 00 7811 3044 9662



0100 3 140 08/01 SM-TU 3127504
COMP ENFORCEMENT OFFICER
1650 ARCH ST
RCRA UNDERGRD ST BR
PHILADELPHIA, PA
19103-2029-99

590-5030FL
ETP:5 PD:MR:100-Y
781130449662

01:40 05/26/18
781130449662

Door

EBAL

0180 SPH

0144